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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,715	02/12/2004	Dwip N. Banerjee	AUS920040013US1	5927
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IBM CORPORATION (VE) C/O VOLEL EMILE P. O. BOX 162485 AUSTIN, TX 78716				
			EXAMINER CHERNYAK, IGOR V	
			ART UNIT 4183	PAPER NUMBER
			MAIL DATE 11/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,715

Applicant(s)

BANERJEE ET AL.

Examiner

Igor V. Chernyak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/12/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-20** are rejected based on broadest interpretation under 35 U.S.C. 102(e) as being anticipated by **Vangal et al. (US 2004/0125751 A1)** hereinafter **Vangal**.

Regarding to **claims 1,6,11**, **Vangal** discloses aggregating the TCP-offloaded adapters ((TCP) off-load engines (it was well known at the time the invention was made to one of ordinary skill in the art that a TCP-offloaded adapter is the same as TCP off-load engine, for example in “Introduction to TCP/IP Offload Engine (TOE), by Eric Yeh et al.”), refer to abstract and aggregates multiple off-load engines 100a-100n, refer to Figures 1,3 and Paragraphs [0027], [0035]) by assigning a common Internet Protocol (IP) address to the TCP-offloaded adapters (Figure 4 and Paragraph [0038]); selecting one of the aggregated TCP-offloaded adapters through which a connection between the communications systems is to originate (controller may allocate an engine for the new connection, refer to Figures 4 and Paragraphs [0038], [0039]); originating the connection using the selected TCP-offloaded adapter (allocated engine can handle the current and future segments in the connection, refer to Figures 4 and Paragraphs [0039]); and

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transacting data from the connection using the selected TCP-offloaded adapter, refer to Figures 4,5 and Paragraphs [0038] to [0047].

3. Regarding to **claims 2,7,12, Vangal** discloses a local port and a remote port, the local port and the remote port being the ports through which the data transaction is to occur (source and destination ports, refer to Figures 4, 5 and Paragraphs [0038], [0046]).

4. Regarding to **claims 3,8,13, Vangal** discloses assigning a local port through which the connection is to occur if a local port was not yet assigned (source port, refer to Figures 1,4,5 and Paragraphs [0038], [0039], [0046], [0047], [0054] to [0056]).

5. Regarding to **claims 4,9,14, Vangal** discloses the assigned local port is an ephemeral (“Ephemeral port - port numbers that are dynamically assigned to a client process by the client's TCP/IP instance.” <http://publib.boulder.ibm.com>;
“Ephemeral ports are temporary ports assigned by a machine's IP stack, and are assigned from a designated range of ports for this purpose. When the connection terminates, the ephemeral port is available for reuse, although most IP stacks won't reuse that port number until the entire pool of ephemeral ports have been used. So, if the client program reconnects, it will be assigned a different ephemeral port number for its side of the new connection.” <http://www.ncftp.com>) port (source port (essentially utilizing ephemeral port), refer to Figures 1,4,5 and Paragraphs [0038], [0039], [0046], [0047], [0054] to [0056]).

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6. Regarding to **claims 5,10,15, Vangal** discloses the data includes incoming and outgoing data, the incoming data being divided into data packets (an input sequencer/buffer 162 that parses a received packet's header(s), refer to Figures 5,7 and Paragraphs [0045], [0046], [0059]), each packet having associated therewith a local port and a remote port for selecting a TCP-offloaded adapter through which to travel, refer to Figure 5 and Paragraph [0046].

7. Regarding to **claim 16, Vangal** discloses aggregating TCP-offloaded adapters ((TCP) off-load engines, refer to abstract and aggregates multiple off-load engines 100a-100n, refer to Figures 1,3 and Paragraphs [0027], [0035]) for transacting data with another system comprising:

at least one storage device (storage 172, refer to Figure5 and Paragraph [0043]) for storing code data; and

at least one processor (processor 170, refer to Figure5 and Paragraph [0043]) for processing the code data to aggregate the TCP-offloaded adapters by assigning a common Internet Protocol (IP) address to the TCP-offloaded adapters (Figure 4 and Paragraph [0038]), to select one of the aggregated TCP-offloaded adapters through which a connection between the communications systems is to originate (controller may allocate an engine for the new connection, refer to Figures 4 and Paragraphs [0038], [0039]), to originate the connection using the selected TCP-offloaded adapter (allocated engine can handle the current and future segments in the connection, refer to Figures 4 and Paragraphs [0039]), and to transact data from the connection using the selected TCP-offloaded adapter, refer to Figures 4,5 and Paragraphs [0038] to [0047].

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8. Regarding to **claim 17, Vangal** discloses processing the code data to select one of the TCP-offloaded adapter includes processing the code data to use a local port and a remote port to select the TCP-offloaded, the local port and the remote port being the ports through which the data transaction is to occur (source and destination ports, refer to Figures 4, 5 and Paragraphs [0038] to [0046]).

9. Regarding to **claim 18, Vangal** discloses the code data to select one of the TCP-offloaded adapter includes processing the code data to assign a local port through which the connection is to occur if a local port was not yet assigned (source port, refer to Figures 1,4,5 and Paragraphs [0038], [0039], [0046], [0047], [0054] to [0056]).

10. Regarding to **claim 19, Vangal** discloses the assigned local port is an ephemeral port (source port (essentially utilizing ephemeral port), refer to Figures 1,4,5 and Paragraphs [0038], [0039], [0046], [0047], [0054] to [0056]).

11. Regarding to **claim 20, Vangal** discloses the data includes incoming and outgoing data, the incoming data being divided into data packets (an input sequencer/buffer 162 that parses a received packet's header(s), refer to Figures 5,7 and Paragraphs [0045], [0046], [0059]), each packet having associated therewith a local port and a remote port for selecting a TCP-offloaded adapter through which to travel, refer to Figure 5 and Paragraph [0046].

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor V. Chernyak whose telephone number is (571) 270-1957.

The examiner can normally be reached on Monday - Thursday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Igor Chernyak patent examiner



LEN TRAN
PRIMARY EXAMINER
11/6/07